GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2753
ANSWERED ON:09.08.2001
EVIDENCE IN CRIMINAL CASES
ABDUL RASHID SHAHEEN

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Government are aware that witnesses are called in the court hearings time and again in criminal cases which are spread over long periods as a result of which they get discouraged;

(b) if so, the reaction of the Government thereto; and

(c) the action taken by the Government to bring improvement in this regard?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) to (c):Section 312 of the Code of Criminal Procedure, 1973 provides that any Criminal Court may order payment of reasonable expenses of any complainant or witness attending a Court for purposes of any inquiry, trial or other proceeding, subject to any rules which may be made by the State Government. The Law Commission of India in its 154th Report on the Code of Criminal Procedure, 1973 has recommended an amendment of this provision so that allowances payable to the witnesses for attending the Court are fixed on a realistic basis and made through a simple procedure. The Report of the Law Commission is being examined by theGovernment in consultation with the State Governments/Union Territory Administrations.

(a) to (d): Chapter XI of the Indian Penal Code, 1860 deals with giving of false evidence and prescribes punishments for the same.

The information in respect of parts (a), (b) and (d) of the Unstarred Question NO. 6044 for 26.4.2001 is not readily available with the Government of India. However, efforts are being made to collect the information through various High Courts.